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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,495	08/06/2003	Maurice Lessard	MTL172	7060
34356	7590	03/05/2004	EXAMINER	
ASHKAN NAJAFI, P.A. 113 LAMPLIGHTER LANE PONTE VERDA BEACH, FL 32082			PEZZLO, BENJAMIN A	
		ART UNIT	PAPER NUMBER	
		3683		

DATE MAILED: 03/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/634,495	LESSARD, MAURICE
Examiner	Art Unit	
Benjamin A Pezzlo	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 06 August 2003.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-20 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6 August 2003.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5, 6, 8, 10, 12, 13, 15, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Canfield, Jr. (US 6,148,963).

Canfield Jr. discloses a brake system for a human powered vehicle (see Fig. 1) including at least one wheel 20, said braking system comprising: a plurality of elongate mounting brackets 30,32 having opposed end portions connected to a frame of a wheelbarrow and an axle passing through a wheel of a wheelbarrow respectively, a plurality of levers 4 including first end portions pivotally connected to said plurality of mounting brackets respectively, said plurality of levers further including second end portions disposed rearwardly from said first end portions respectively, a plurality of brake pads connected to said plurality of levers and extending inwardly towards opposed sides of a wheel of a wheelbarrow respectively, a brake handle 80 connected to a frame of a wheelbarrow; and cable means 52 cooperating with said brake handle for causing said plurality of brake pads to engage and disengage a wheel of a wheelbarrow, said cable means being connected to said brake handle and to said second end portions of said plurality of levers respectively.

Re claim 3, 5, 6, 8, 10, 12, 13, 15, 17, and 19 see Fig. 2.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, 7, 9, 11, 14, 16, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canfield, Jr. (US 6,148,963) in view of Lumpkin (US 5,564,531).

Canfield, Jr. fails to disclose the support member arranged according to claim 2.

However, such support members are notorious for use in rim grip brakes, an example of which is Lumpkin's support member 114. It would have been obvious to one of ordinary skill in the art to which the invention pertains at the time the invention was made to have included a support member in a Canfield, Jr. brake according to the teachings of Lumpkin in order to better equalize braking force.

Re claims 4 and 7, see Fig. 1 of Lumpkin.

Re claim 9, see above rejection re claim 2.

Re claims 11 and 14, see Fig. 1 of Lumpkin.

Re claim 16, see above rejection re claim 2.

Re claims 18 and 20, see Fig. 1 of Lumpkin.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A Pezzlo whose telephone number is (703) 306-4617. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Benjamin A. Pezzlo  
3/4/04*

Benjamin A Pezzlo  
Examiner  
Art Unit 3683

BAP  
March 4, 2004